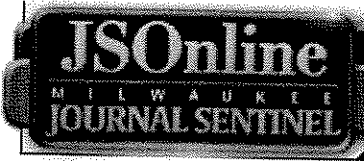


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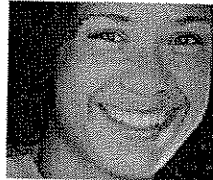
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We're not alone in dumping sewage

From Chicago to Toronto, cities spilling waste into Great Lakes

By DAN EGAN
degan@journalsentinel.com

Posted: June 26, 2004

Chicago politicians spouting off about the recent bout of sewer spills in Milwaukee mi to take a look - or a whiff - in their own backyard.

Earlier this month, Chicago Mayor Richard Daley and Illinois Congressman Mark Kir Milwaukee in the Chicago media for spilling 4.6 billion gallons of untreated sewage st into Lake Michigan after the heavy rains in May.

Kirk berated Milwaukee for spilling "cheesehead sewer water." Daley wondered what mean for Chicago's beaches.

"That's a lot of garbage," he told the Associated Press. "It's going to float down here."

But the people served by the Metropolitan Water Reclamation District of Greater Chic their own sewage spill issues.

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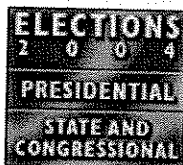
Estimates provided by the district show that between March 1, 2002, and Sept. 30, 2003, its combined sewers dumped an estimated 23.34 billion gallons into area waterways, which flow away from Lake Michigan, but into another freshwater treasure, the Mississippi River.

Sewer Controversy
Estimated Overflows

In that 18-month period, Chicago flushed nearly 30% more fouled water downriver and toward St. Louis than the estimated 18 billion

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ultimately makes its way into Lake Erie.

"Milwaukee is not alone," says Michigan resident Dennis Schornack, co-chairman of the International Joint Commission, a binational organization charged with shaping policy for U.S. and Canadian waterways.

"Just last week here in Michigan we dumped 5 billion (gallons) of untreated or partially treated (sewage) into the St. Clair River, and there are like 13 communities who drink from that river," says Schornack.

Our neighbors to the north would probably be outraged, but Canada's got its own hands full. Toronto's combined sewers, for example, typically spill about 2.8 billion untreated gallons a year into Lake Ontario, says Patrick Chessie, stormwater management engineer for

gallons that the Milwaukee Metropolitan Sewerage District has spilled in the entire last decade.

But don't cry for St. Louis.

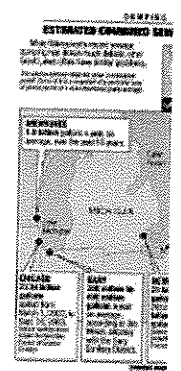
Officials with the Metropolitan St. Louis Sewer District report that their combined sewers spill an estimated 26 billion gallons down the mighty Mississippi every year.

Getting a grasp on the scope of sewage spills in cities across the region is tricky business. The federal Environmental Protection Agency evidently doesn't keep a running tab, and often state agencies overseeing sewer district operations are fuzzy on the volume released and the concentration of sewage in spills that are often mostly rainwater, albeit fouled rainwater.

But a Journal Sentinel check around the region shows that Milwaukee has loads of company when it comes to despoiling the world's largest freshwater system.

Other offenders

Records from the Michigan Department of Environmental Quality show that the Detroit metropolitan area's combined sewers overflowed more than 21 billion gallons in 2002 and almost 18 billion gallons last year. That waste, some of it partially treated,



Graphic/Enrique Dumping

Working On The Problem

- Some cities are ease the problem overflows.
- Chicago: Spent billion on its own system - 102 mile underground tunnel already open and miles should come soon.
- Detroit: Expect spend around \$3 billion on tunnel system and upgrades similar to what Milwaukee is doing. Tom Knueve, an environmental engineer with the Michigan Dept. of Environmental Quality.
- Cleveland: Cost \$1.6 billion project 30 years that will include tunnel storage.
- St. Louis: Cost \$3.7 billion upgrade tunnels that would take two decades to install.

Quotable

"I wouldn't suggest that happening in Milwaukee is but my perspective is that maybe people point fingers at Wisconsin need to look own backyard little bit more"

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the city of Toronto.

Krystyn Tully of the conservation group Lake Ontario Waterkeeper echoes Schornack's assurance that Milwaukee isn't the only Great Lakes city fouling the prized lakes, which are a drinking water source for millions.

"I don't know if that should make you feel any better," she says.

Indeed, it's little solace to find out, for example, that the combined sewers of Gary, Ind., send, on average, 300 million to 400 million gallons of untreated waste into Lake Michigan every year, according to Jim Meyer, attorney for the Gary Sanitary District. And that the Environmental Protection Agency reports that Toledo, Ohio, spills about 1 billion gallons a year into Lake Erie. And that Cleveland's combined sewers each year spill about 5 billion to 6 billion gallons, says Frank Greenland, deputy director of engineering and construction for the Northeast Ohio Regional Sewer District.

But it does give some perspective to the problem.

"I wouldn't suggest that what is happening in Milwaukee is OK, but my perspective is that maybe people pointing fingers at Wisconsin need to look in their own backyard a little bit more," says Duane Schuettpelz, chief of wastewater permits and pretreatment section for the Wisconsin Department of Natural Resources. "It seems to me the only reason we're being singled out is someone is paying attention to this, i.e., the newspapers and the citizenry as well."

Tarnished image

People are paying attention because Milwaukee is supposed to be different. Milwaukee was supposed to have taken care of most of its sewer spills a decade ago.

Pushed by a lawsuit filed more than two decades ago, Milwaukee spent nearly \$3 billion on its deep tunnel system and other sewer system improvements. The goal was to virtually eliminate spills from a system that typically had more than 50 a year.

In the 10 years since the partially federally funded tunnel and other upgrades opened for business, the number of overflows has dropped dramatically. Between 1994 and mid-2002, the sewerage district reports, the tunnel kept more than 40 billion gallons of sewage from muddying the deep blue waters of Lake Michigan.

But as the heavy rains this spring showed, MMSD is still prone to dumping a staggering amount of nasty stuff into the same body of water that Milwaukee relies on for its drinking water.

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Things, sewage-wise, are way better in Milwaukee than they were more than a decade ago. But even though Milwaukee is certainly not the worst polluter in all the Great Lakes, MMSD does remain the largest single sewage dumper on Lake Michigan.

Many of the 1.1 million Milwaukee-area residents served by MMSD are dismayed by the situation, as are others.

"We're all so disappointed to hear that Milwaukee still has a problem. It was an example I held up all the time... Milwaukee was one of the few cities that had federal dollars to do something," says Elaine Marsh, an Ohio conservationist and board member for Great Lakes United.

Our spills, Marsh says, are bad news for every community struggling with sewer issue Great Lakes. If Milwaukee spent nearly \$3 billion and couldn't adequately solve its sewer issues, what does that mean for the bigger cities such as Detroit and Cleveland?

"It says the problem is a little more complicated than we thought it was," says Marsh.

Endemic to Great Lakes

The problem, basically, is most big cities in the Great Lakes region rely on combined sewer systems which carry both raw sewage and storm runoff.

Cities with separated sewer systems, such as Green Bay, are not as likely to get sewer overflows during storms because rainwater does not mix with sewage; it flows directly into area waterways.

But there is often enough pollution coating city streets and parking lots in the form of oil, grease, chemicals and other solid wastes that storm sewers can actually flush a significant amount of pollution into rivers and lakes.

"By and large, it's a pretty direct discharge (of pollutants) to surface waters," says the Milwaukee's Kevin DeBell.

The antiquated combined sewer systems actually work beautifully most of the time because they don't send storm water runoff - which is far from pristine - to treatment plants. In other words, modern combined sewer systems do a better job of keeping pollutants out of fresh water.

But problems happen for combined sewer cities when big rains hit. If there is enough rain to overload a city's treatment and storage capacity, the result is a noxious cocktail of storm water and sewage getting flushed into rivers and lakes.

The EPA reports that 772 communities across the country have combined sewer overflows, while they are found from coast to coast, most are clustered in the Great Lakes region.

EPA figures show that the eight Great Lakes states are home to 593 of the nation's combined sewer communities, though only two of those are in Wisconsin - the Milwaukee metro area and the city of Superior.

Paul Freedman, a Michigan expert on combined sewer overflow issues who has done

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5/14/04: Rains dumping of sewage waterways

consulting work for MMSD, says a "very rough" estimate for the annual average of co sewer spills nationally is about 850 billion gallons.

An official estimate is expected from an EPA report. While a draft of that report is cor DeBell can't say when it will be released to the public.

Billion-dollar plans

The biggest offenders in the region, meanwhile, are plunging ahead with their own billion-dollar plans to throttle the spills.

The city of Detroit, for example, is building a tunnel system and adding other upgrades in scope to what Milwaukee constructed a decade ago.

"By the time we get done, it will well approach or exceed" the \$3 billion Milwaukee has planned, says Tom Knueve, an environmental engineer with the Michigan Department of Environmental Quality.

"We envision the day when there will be no overflows, or there will be treated overflows, not any untreated overflows," he says.

But that day, if it comes, is likely 20 years down the road.

Cleveland is eyeing a \$1.6 billion fix that will include tunnel storage. There is a 30-year timetable for that project.

Nationally, most large cities with combined sewers are not looking at separating their sewage, DeBell says.

"In major urban areas, it entails a great deal of expense and is a significant disruption to streets and flow of traffic and daily activity," he says. "Separation happens, but separation in major urban areas has not been a very popular option."

Asked if there is an example of a big city elsewhere in the country that has been relatively successful in fixing its combined sewer systems, DeBell points to the West Coast, San Francisco in particular.

"They did what Milwaukee did on an even larger scale, in terms of building massive tunnels," he says.

No perfect fix

Some see all this as a glass-half-full type of issue - fix what you can, but know it will never be perfect.

St. Louis, for example, is looking at a \$3.7 billion upgrade with tunnels that would take two decades to implement, but that project is not expected to stop all the sewage from flowing into the Mississippi.

"You cannot build a sewer system large enough to handle every storm," says Lance Le

spokesman for the metropolitan St. Louis Sewer District. "There will always be that storm that comes along every year, five years or 10 years that will rain so hard your system will be overcharged. You have scarce resources. What do you do with those scarce resources? How much can your community spend?" he asks.

"What kind of bang for your buck are you getting if you're building a system that will be fully utilized every five or 10 years?" he continues. "That is a question that every community has to answer."

Ohio's Marsh has her own answer. As president of a conservation group that looks out over the Cuyahoga River, she is familiar with the cumulative toll pollution can take on a waterway.

For decades, the Cuyahoga, which fed a dying Lake Erie, was a dumping ground for industrial waste. It was a river Ohio residents first took for granted, and then turned their backs to. In 1969, 35 years ago this month, a train passing over on a bridge sent a spark into the "water" below. The river exploded in flames.

The fire burned on front pages across the country. Three years later, Congress passed the Clean Water Act, and water quality in Lake Erie and elsewhere improved dramatically.

Now some conservationists wonder whether the country is headed backward, toward a time when the public figured the Great Lakes could take care of themselves, even if they were to take some of our foulest stuff.

"Every single day we are making decisions in communities throughout the basin to partially destroy natural areas that formerly were absorbing rainwater," says Cyndi Roper, Michigan director for the conservation group Clean Water Action. "And as we make those decisions, we are exacerbating the problem. The flooding is going to get worse, because there are less natural areas to absorb the storm water."

And more toilets flushing.

"For many years, dilution was the solution. It wasn't until we completely lost our lakes, particularly Lake Erie, it wasn't until we made them so filthy that our own filth washed away that we came to understand that dilution is not the solution," says Marsh.

Marsh says arguing over the costs of reducing human sewage spills is the wrong way to approach the problem.

"We as a society have not taken this issue seriously because we say it costs too much," she says. "What we need to do is look at the problem as one of being raw sewage in the environment, not the cost of correcting it."

Dirty lessons

The Cuyahoga conflagration wasn't the most sensational pollution problem to plague the Great Lakes Basin.

An outbreak of cholera and typhoid happened in the mid-1880s, after rains washed Chicago sewage down the Chicago River and into Lake Michigan. The contaminated plume struck

the way out to the intake cribs at the bottom of the lake that supplied Chicago with its water, according to the University of Illinois at Chicago.

More than 80,000 people died.

The Illinois Legislature reacted to the disaster by passing an act that created a sanitary with the goal of keeping sewage out of the lake. In 1892, according to the Chicago sew district, ground was broken on the main channel of the Chicago Sanitary and Ship Can

In 1900, that canal opened, reversing the flow of the Chicago River; instead of flowing Lake Michigan, it - and the city's sewage - flowed away from the lake and, ultimately, Illinois River and into the Mississippi River.


Nevertheless, Chicago is building its own deep tunnel and reservoir system designed to storm runoff and keep it out of the backward-flowing river. The scope of the \$3.7 billion is monstrous - 102 miles of underground tunnels are open for business, and another 71 should come on line soon.

The system is widely lauded as top-notch example of a city doing a good job of controlling sewage issues, yet Chicago sewers still overflow, and occasionally the city even dirties Michigan waters it shares with Wisconsin, Michigan and Indiana.

When exceptionally big rains hit, the flow of the Chicago River can be reversed and sewer runs back into Lake Michigan, along with river water. In 2001, water reclamation district records show, nearly 1.3 billion gallons of contaminated river water spilled into Lake Michigan. In 2002, 1.7 billion gallons spilled.

And not so much as a cheese curd of it could be blamed on Wisconsin.

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Places other than MMSD may be cited for sewage dumping

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More than 110 could have violated environmental law, DNR lawyer says

By MARIE ROHDE

mrohde@journalsentinel.com

Posted: June 28, 2004

The sewerage district will have lots of company after the state finishes its investigation dumping that occurred in May and June, since more than 110 Wisconsin communities to be cited for violating environmental law, a top state enforcement official said Monday.

Rick Prosis, chief attorney for the Department of Natural Resources, told a special committee looking at why a record 4.6 billion gallons of sewage overflowed that it would be unfair action against the Milwaukee Metropolitan Sewerage District while ignoring violations elsewhere. Figures on just how much sewage communities outside Milwaukee dumped were not available.

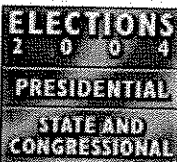
So far only Brown Deer, Whitefish Bay, Bayside and Fox Point have been cited for Milwaukee dumping. A decision on what to do about the MMSD was expected "in weeks," Prosis said.

Prosis also said the \$900 million in improvements MMSD agreed to make as part of a 2002 lawsuit are not sufficient.

Chuck Burney, a DNR official who oversees the sewerage district, said the agreement would increase storage capacity of the 405 million gallon Deep Tunnel by about 25%, but even that would not have allowed the district to meet the standards of its permit.

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MMSD and the communities it serves are not allowed to dump storm water where there are separate sewers for storm water and sewage. They can legally dump an average of 1 1/2 times a year in areas where combined sewers carry both rain and sewage, which includes almost a third of Milwaukee and the eastern half of Shorewood.



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Of the 4.6 billion gallons dumped in May, about 3.4 million gal in the separated sewerage area.

The committee, appointed by Mayor Tom Barrett, grappled with issues, first in a morning meeting attended by several elected and then in an afternoon session with regulators.

The community leaders, most of them from the suburbs, clearly is little interest in rekindling "Sewer Wars" - the lengthy legal t waged over how system upgrades would be funded - but that all make sure money would be spent on projects that would do the solve problems.

The major topic was how to eliminate clean water from the sew groundwater that seeps into leaky sewers and laterals or rainwa comes from connected downspouts.

New Berlin Mayor Ted Wysocki noted there is no incentive for communities or property owners to address those problems bec large part of the sewer bill is based on property values rather th volume.

Whitefish Bay President Kate Pritchard said her village had dor deal of work but her neighbors had not, causing a backup into V Bay.

"Our choice was to dump in the lake or 300 to 400 basements," said.

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MMSD dumping discussed by top officials in secret

No decisions made; DNR action, cost of sewer fix reviewed

By STEVE SCHULTZE
sschultze@journalsentinel.com

Posted: June 18, 2004

Hold off any expensive sewer fix-up plan.

Don't stick the cost of the job on the suburbs.

Milwaukee can't afford to pick up the tab alone.

Those were a few of the conclusions drawn by participants in a secret, high-level meeting Thursday on Milwaukee's sewer woes, an effort aimed at avoiding a repeat of the divisive city-suburban "sewer wars" of the '90s.

The "round-table discussion" included four Republican state lawmakers, Milwaukee Mayor Tom Barrett, Milwaukee County Executive Scott Walker, state Department of Natural Resources Secretary Scott Hassett, top officials from the Milwaukee Metropolitan Sewerage District and state auditors. In short, most of the major players on the sewer issue.

By design, the meeting was private, in order to give everyone who was invited the chance to speak freely, said state Rep. Sue Jeskewitz (R-Menomonee Falls). She was one of the four lawmakers in attendance and said she arranged the session.

"You get too many people, and you don't get anything done," Jeskewitz said.

She and other participants said no decisions were made but praised the effort to bring key players together on the issue. The meeting helped because top officials have been speaking out separately in media accounts, but not jointly discussing what to do about MMSD's massive raw sewage dumping, Jeskewitz said Friday.

MMSD dumped a record 4.6 billion gallons of untreated wastewater during last month's big storms.

"You get the quotes in the paper - Mayor Barrett says one thing, Scott Walker says another thing and (MMSD Executive Director) Kevin (Shafer) says another thing," Jeskewitz said. "I think it's much better to talk across the table."

A two-page agenda for the meeting, obtained by the newspaper, listed the two-hour meeting at the Milwaukee DNR office and described its purpose as an update on DNR enforcement action against MMSD for its May dumping, "discussion of past, current and future projects to reduce overflows" and review of earlier audits and reviews of MMSD operations.

Meeting's access questioned

Sewer Controversy

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The meeting wasn't subject to the state's open meetings law because it didn't involve a majority of a decision-making body, Jeskewitz said. Critics agreed but said it would have been better to keep open to the public such a broad gathering on such a big issue.

State Rep. Jon Richards (D-Milwaukee), who represents city lakefront residents in the Legislature, said he and other interested lawmakers should have been invited. Richards has frequently spoken out on the dumping issue and its connection to beach closings.

"I will certainly request that I be part of any future meeting like that and ask why I wasn't invited to that meeting," Richards said Friday, when told about the gathering.

When asked why no city lawmakers were invited to the meeting, Jeskewitz said it was merely an oversight.

"It wasn't on purpose, at all," she said. "I'm not a partisan person."

She said she didn't realize there weren't any Democrats invited until she ticked off the list of lawmakers who did make the list. Other lawmakers who attended - all of them Republicans - were Sens. Alberta Darling of River Hills and Neal Kedzie of Elkhorn; and Rep. Jeff Stone of Greenfield. Two other Republican legislators also were invited but didn't attend.

Brett Hulsey, senior Midwest representative for the Sierra Club, said environmental groups should have been invited. He would have attended the meeting "in a heartbeat," he said.

"I'm glad they are meeting," Hulsey said. "It's time to open this to a public process as well."

A public hearing on MMSD of the Senate Environment and Natural Resources Committee will likely be held in July, Jeskewitz said. Kedzie, who is chairman of that panel, did not return phone calls.

Jeskewitz said Barrett, Kedzie and Darling all emphasized at the meeting that the sewer fix must be viewed in a regional context.

"This cannot be Milwaukee alone," she said. But Jeskewitz said there will be an outcry from suburban residents if they feel they are being unfairly stuck with helping Milwaukee to pay for separating its old, combined storm and sanitary sewers.

The \$2.8 billion project that included building the deep tunnel system was completed a decade ago as an alternative to sewer separation.

"We will just see a roar come from the suburbs because we have already separated our sewers," she said.

Cost an issue

Darling said she counseled against rushing to judgment on a sewer fix because of the potential high cost. A top U.S. Environmental Protection Agency official has said the Milwaukee sewer repairs likely would be very costly, and Shafer has suggested that fully separating the combined sewers that serve older parts of Milwaukee and half of Shorewood could cost billions.

Darling said no decision on sewer upgrades should be made until there is a cost-benefit analysis of alternatives done by impartial experts.

"We can't just shoot at a target blindly," Darling said. "You can't just jump to solutions, you have to know what the causes are."

MMSD officials have blamed extra-heavy rainfall as the chief culprit, along with leaky local sewer lines. They insist sewer plant construction projects and other system glitches played little, if any, role in the dumping.

Darling, one of the most persistent critics of MMSD in the past, said the deep tunnel system was oversold years ago as a

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virtual panacea.

"We are never going to build a 100 percent (dumping) proof system," she said. MMSD also stresses that costs of a sewer system that never dumps would be astronomical.

"You can't drive a Cadillac if you can't afford it," she said.

Pat Curley, Barrett's chief of staff, said the meeting was useful so that the major players were all "working from the same baseline of information."

Hassett couldn't be reached for comment on the meeting. Mary Schlaefel, Hassett's executive assistant, said DNR officials attended at the request of lawmakers and repeated public statements they have made about issuing violation notices against MMSD for its dumping.

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May 13, 2004 Wisconsin Ave.



MMSD WEATHER STATIONS

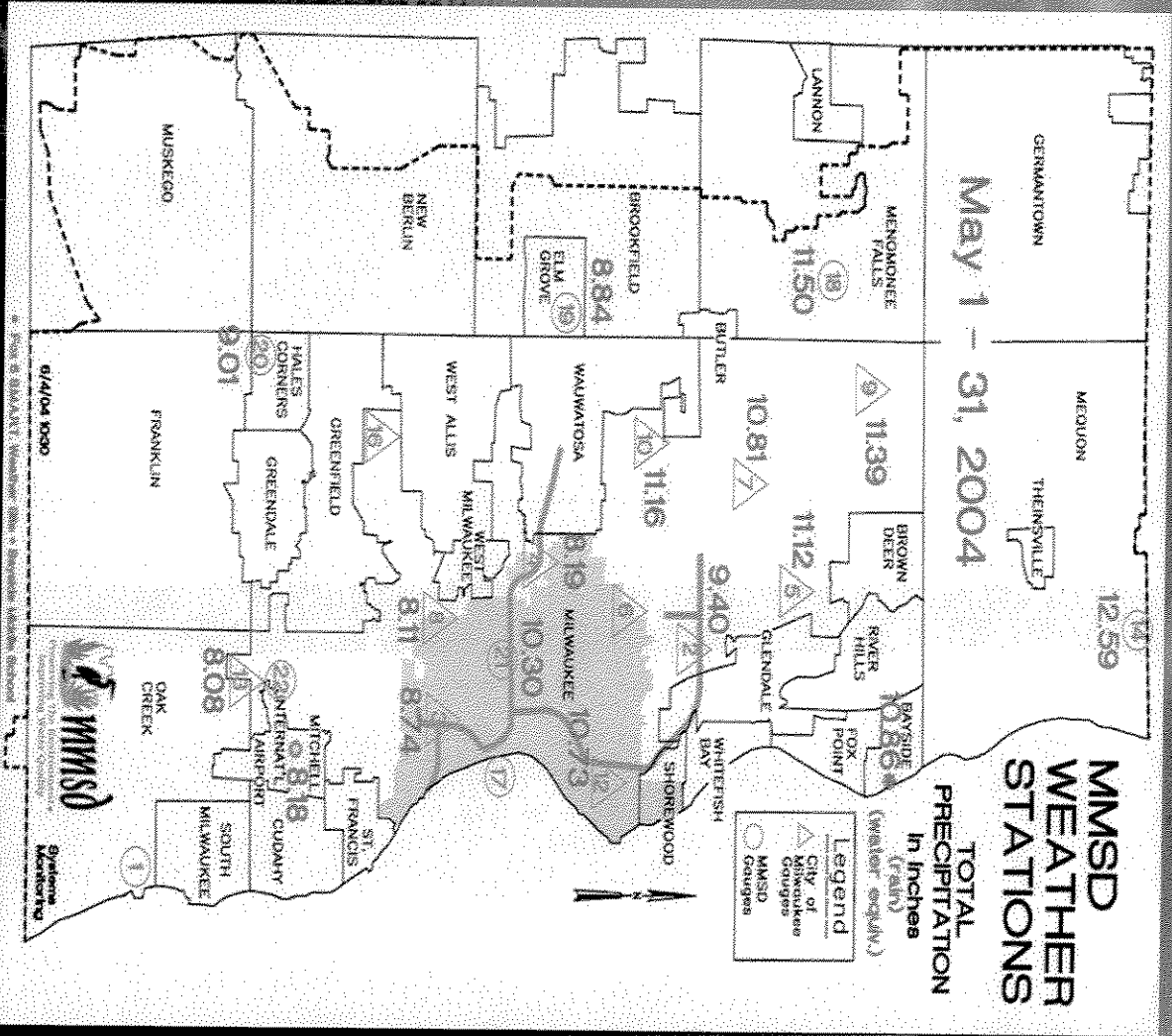
TOTAL PRECIPITATION

In Inches

(Water eqn.)

(Rain)

- Legend**
- City of Milwaukee Gauges
 - MMSD Gauges



CONVEYANCE SYSTEM

May 7-10

<u>PRECIPITATION</u>	<u>OVERFLOWS</u>
Hi: 2.77"	<u>May 10</u> Sanitary Sewer Overflows (SSOs) (Non-Tunnel Related)
Lo: 1.02"	-Ravine Lane & Lake Drive
Ave: 1.82"	-Rangeline Road & Milwaukee River
Cumulative Avg. = 1.82"	-North 31 st & West Cameron Avenue
	Tunnel Volume Peaked @ 186 MG

CONVEYANCE SYSTEM

May 12-13

PRECIPITATION

Hi: 1.80"

Lo: 0.75"

Ave: 1.21"

Cumulative

Avg. = 3.03"

OVERFLOWS

May 13

Combined Sewer Overflows (CSOs)

-CSO Event #1: Began at approximately 5:30 pm

-Tunnel reserve for separate sewage was 125 million gallons

Tunnel Volume Peaked @ 300 MG

CONVEYANCE SYSTEM

May 14

PRECIPITATION

Hi: 1.55"

Lo: 0.78"

Ave: 1.13"

Cumulative

Avg. = 4.16"

OVERFLOWS

May 14-15

Combined Sewer Overflows (CSOs)

- CSO Event #1 continued until May 16 @ 1:00 a.m.

Sanitary Sewer Overflows (SSOs)

(Tunnel Related: Began 1:30 pm on May 14)

- South 6th & Oklahoma
- North 59th & Trenton
- 4400 North Port Washington Road
- Green Tree & River Road

Tunnel Volume Peaked @ 392 MG

CONVEYANCE SYSTEM

May 14 (Continued)

<u>PRECIPITATION</u>	<u>OVERFLOWS</u>
Hi: 1.55"	<u>May 14-15</u>
Lo: 0.78"	Sanitary Sewer Overflows (SSOs) (Non-Tunnel Related)
Ave: 1.13"	-Ravine Lane & Lake Drive
Cumulative	-Rangeline Road & Milw. River
Avg. = 4.16"	-North 31 st & Cameron
	-KK & St. Francis Ave.
	-North 27 th & Silver Spring Ave.
	-North 27 th & Villard Ave.
	-Basement backups reported in Milwaukee & Glendale

CONVEYANCE SYSTEM

May 17-18

PRECIPITATION

Hi: 1.06"

Lo: 0.43"

Ave: 0.61"

Cumulative

Avg. = 4.77"

OVERFLOWS

May 17-18

Combined Sewer Overflow (CSOs)

-CSO Event #2: Began at 11:00 pm on May 17th

-Concluded: 6:00 am on May 18th

Tunnel Volume Peaked @ 307 MG

CONVEYANCE SYSTEM

May 20-21

PRECIPITATION

Hi: 2.20"

Lo: 0.30"

Ave: 1.04"

Cumulative

Avg. = 5.81"

OVERFLOWS

May 20-21

Combined Sewer Overflow (CSOs)

-CSO Event #3: Began at 8:15 PM on May 21

Sanitary Sewer Overflows (SSOs)

(Non-Tunnel Related)

-Ravine Lane & Lake Drive (May 21)

-Rangeline Road & Milw. River (May 20&21)

Tunnel Volume Peaked @ 306 MG

CONVEYANCE SYSTEM

May 22-23

PRECIPITATION

HI: 2.52"

LO: 0.98"

Ave: 2.08"

Cumulative
Avg. 7.89"

OVERFLOWS

May 22-23

Combined Sewer Overflow (CSOs)

-CSO event #3 continued

Sanitary Sewer Overflows (SSOs)

Old computer system failed at 4:30 AM on May 22, new SCADA system brought on line to operate tunnel system.

Tunnel SSO gates were closed at 12:30 PM on May 22

Tunnel Volume peaked at 401 MG

CONVEYANCE SYSTEM

May 24-25

PRECIPITATION

Hi: 0.08"

Lo: 0.00"

Ave: 0.06"

Cumulative
Avg. 7.94"

OVERFLOWS

Combined Sewer Overflow (CSOs)

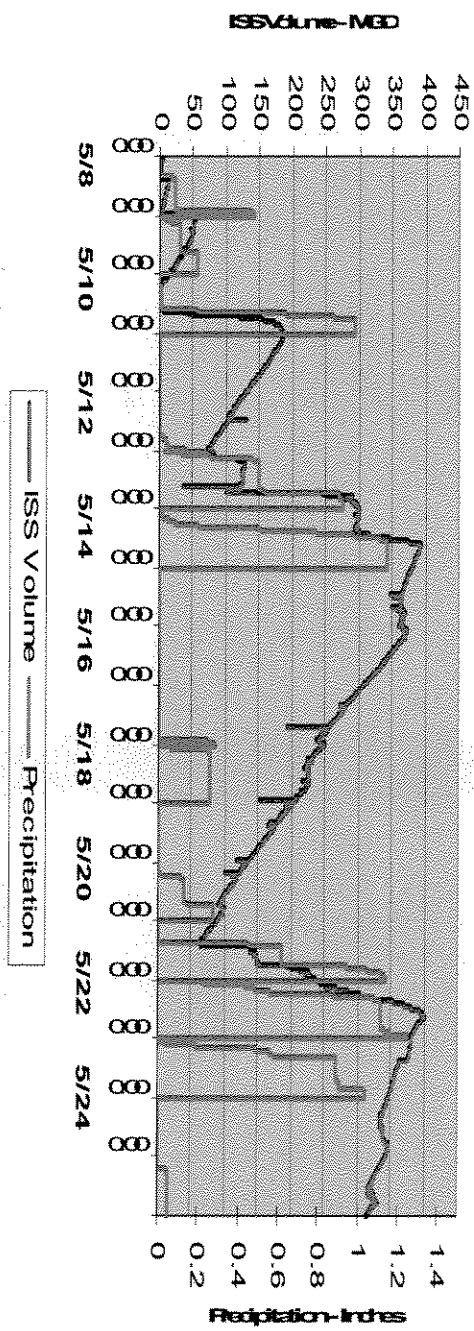
-CSO event #3 ended at 6 PM on 5/25

Sanitary Sewer Overflows (SSOs)

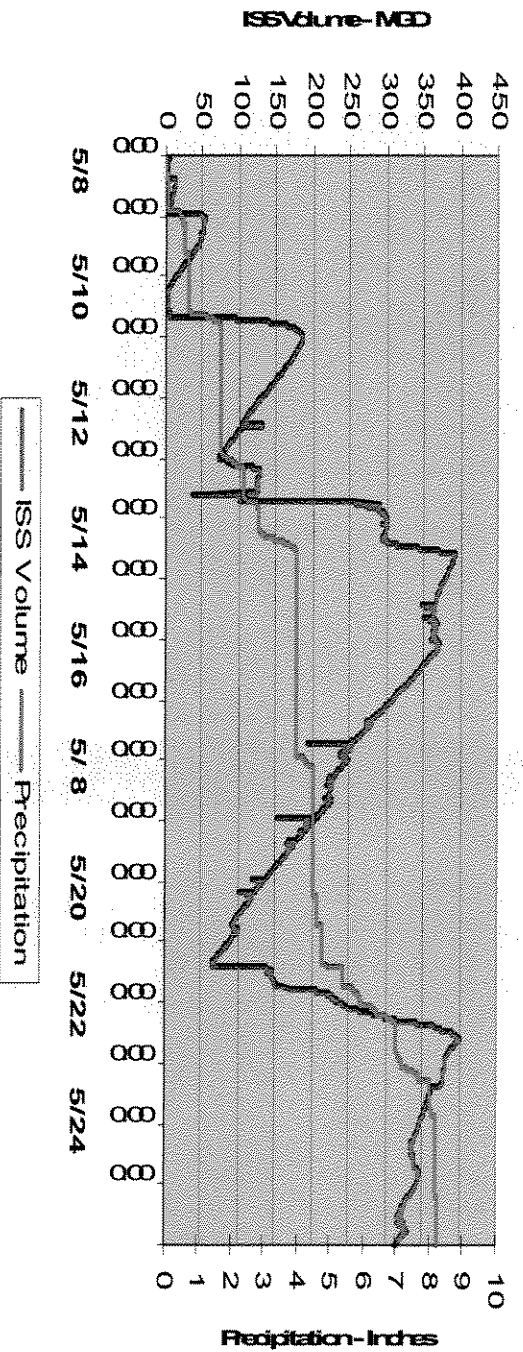
-SSO gates were opened by 4 PM on May 24th
and tunnel related SSO's ceased.

Tunnel Volume peaked at 345 MG

ISS Event 5/8/04 to 5/25/04



ISS Event 5/8/04 to 5/25/04



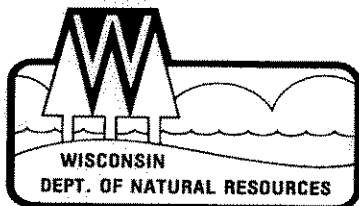
OVERFLOW SUMMARY

Date(s)	Combined Sewer Overflows *	Sanitary Sewer Overflows *	
		(Tunnel Related)	(Non-Tunnel Related)
5/10	0	0	0.5
5/13-16	1395	90.6	10.6
5/17-18	65	0	0
5/20 - 24	2681	323.9	48.4
Totals	4141	414.5	59.5

* All amounts in million of gallons

IN-PLANT DIVERSION

- Primary Effluent Diversion on May 14th
- 16.2 Million Gallons
- Effluent Quality
 - TSS = 26 mg/L
 - BOD = 25 mg/L
 - Fecal Coliform = 130 /100 mL
- Peak Jones Island Flow > 315 MGD



NEWS RELEASE

Wisconsin Department of Natural Resources
101 S Webster, P.O. Box 7921, Madison, WI 53707
Phone: (608) 266-6790 TDD: (608) 267-6897
www.dnr.state.wi.us www.wisconsin.gov

DATE: 8/2/04

CONTACT: Mary Schlaefter, Executive Assistant, (608) 264-6266

SUBJECT: DNR notifies southeast Wisconsin communities of enforcement action for sewer overflows

MADISON , Wis. – The Department of Natural Resources will refer the Milwaukee Metropolitan Sewerage District and 29 other community and private wastewater systems in southeast Wisconsin to the Department of Justice for enforcement action because of wastewater overflows that occurred at MMSD earlier this year.

“This is a wake-up call. Communities surrounding Milwaukee all contribute water to MMSD, making the sewer overflows into Lake Michigan and other area waterways a system-wide problem. We need to get on with a long-term fix. The only way to do that is to get all the parties at the same table for a system-wide solution. The message today is we need to make that happen,” said DNR Secretary Scott Hassett.

Earlier this spring, MMSD was in the news when millions of gallons of rainwater combined with untreated or partially treated wastewater were dumped into area waterways. Officials for community wastewater systems the DNR feels contributed to those overflows have already been notified by phone. They will receive written confirmation of enforcement action later this week in the form of Notices of Claim and Violation.

Hassett noted that no single prescription would solve MMSD overflows, and that each community needs to act now to evaluate how it contributes to the problem and to help correct and mitigate the situation.

The DNR licenses and regulates wastewater systems in Wisconsin. In general, permits the DNR issues prohibit discharges of untreated sanitary sewage, and permittees must report overflow problems to DNR when they happen.

Since March 1st about 132 Wisconsin communities have reported more than 337 wastewater overflows, some of which lasted several days. The DNR has been reviewing those discharges to evaluate whether they violated permits, should have been avoided and warrant enforcement action. Some

overflows are unavoidable -- such as lightning causing a temporary loss of power -- and the department has discretion in whether or not to pursue enforcement action.

To date, in addition to MMSD and its tributary communities, twelve additional communities have received Notices of Violation and Claim this year. In addition, DNR is currently evaluating overflows in the remaining 90 communities for enforcement action. The agency expects many will be notified of plans for enforcement by the end of August.

Notices of violation represent a first formal step in the legal process the DNR follows to assess and resolve illegal environmental discharges. A notice of violation typically triggers the scheduling of an enforcement conference with the recipient of a violation notice. Outcomes of enforcement conferences can range from no further action to referral to the Department of Justice for prosecution, with possible forfeitures of up to \$10,000 per day of violation.

“Our goal is to stop avoidable, illegal overflows. Forfeitures in and of themselves don’t achieve that. Enforcement actions are meant to get attention and action. Given the choice, the DNR would rather work with systems to bring them into compliance voluntarily, and that happens regularly in many systems across the state. But it’s our duty – and the public demands – that we use our enforcement powers when necessary. We are reviewing all overflows statewide with that in mind,” Hassett said.

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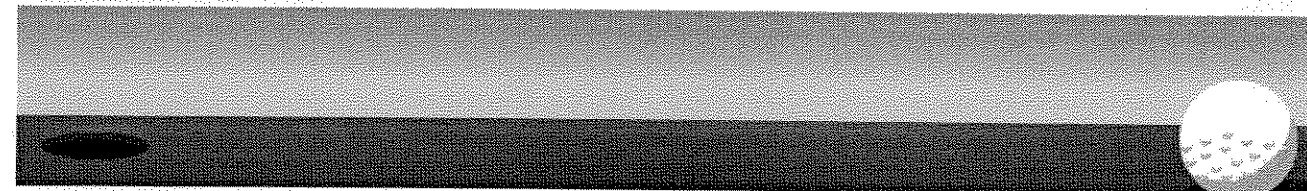
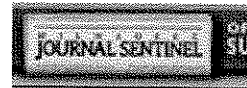
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DNR calls for legal action in MMSD dumps

Other communities may also be fined for raw sewage releases

By LARRY SANDLER
lsandler@journalsentinel.com

Posted: Aug. 2, 2004

The state Department of Natural Resources called Monday for the attorney general to take action against the Milwaukee Metropolitan Sewerage District and 29 southeastern Wisconsin communities for dumping billions of gallons of raw sewage into Lake Michigan in May.

Advertisement

That started a process that could end in up to \$1 million in fines, or in a regional accord on wastewater - or maybe a combination of both.

Amid heavy rainstorms in May, MMSD dumped 4.6 billion gallons of sewage into the lake, while Milwaukee and 11 other MMSD member communities tossed in another 3.4 million gallons of their own. South Milwaukee, the only area community that isn't part of MMSD, also dumped 1.7 million gallons.

But the DNR is referring just about every place that has sewer systems linked to MMSD to the state Department of Justice for possible civil litigation.

By drawing all of the area's communities into the legal process, DNR is trying to push them all to work together to solve

MMSD

By The Nun

4.6 billion

Gallons of raw sewage dumped by Milwaukee Metropolitan Sewerage District in May

3.4 million

Gallons of raw sewage dumped by local communities in May

\$10,000

Maximum fines per dumping permit

\$1 million

Maximum total

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MMSD serves 28 municipalities: Milwaukee, Bayside, Brookfield, Brown Deer, Butle Caledonia, Cudahy, Elm Grove, Fox Point, Franklin, Germantown, Glendale, Greenda Greenfield, Hales Corners, Menomonee Falls, Mequon, Muskego, New Berlin, Oak C. River Hills, St. Francis, Shorewood, Thiensville, Wauwatosa, West Allis, West Milwa Whitefish Bay.

Shafer said he believed Milwaukee County also was part of the action, bringing the nu 29. The DNR's Schlaefer said, however, that Wauwatosa was not involved at this time of a legal technicality. It was not clear whether South Milwaukee was also part of the

problem, DNR and MMSD officials said.

"This is a wake-up call," Scott Hassett, secretary of natur resources, said in a written statement. "Communities surr Milwaukee all contribute water to MMSD, making the se overflows into Lake Michigan and area waterways a syst problem. We need to get on with a long-term fix. The onl do that is to get all the parties at the same table for a syste solution. The message today is we need to make that hap

MMSD Executive Director Kevin Shafer responded, "I th DNR's got it right. They've identified this as a regional pr that needs a regional solution."

But details of that regional solution remain elusive.

The most expensive option for keeping storm water out o sewage system would be to separate the region's storm w wastewater sewers. Shafer said other options would inclu cracking down on illegal hookups and upgrading manhol

Mary Schlaefer, Hassett's executive assistant, said it wou Attorney General Peg Lautenschlager and her staff to dec to proceed.

It's entirely possible the action could result in a negotiate settlement instead of a court action that results in fines, S said.

Shafer said MMSD would prefer to avoid paying fines if

The precise lineup of communities being referred to the J Department was not clear Monday.

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Milwaukee Journal Sentinel August 3, 2004

DNR calls for legal action in MMSD dumps

Other communities may also be fined for raw sewage releases

By **LARRY SANDLER**
lsandler@journal-sentinel.com

The state Department of Natural Resources called Monday for the attorney general to take legal action against the Milwaukee Metropolitan Sewerage District and 29 southeastern Wisconsin

communities for dumping billions of gallons of raw sewage into Lake Michigan in May.

That started a process that could end in up to \$1 million in

finest, or in a regional accord on wastewater — or maybe a combination of both.

Amid heavy rainstorms in May, MMSD dumped 4.6 billion gallons of sewage into the lake, while Milwaukee and 11 other MMSD member communities tossed in another 3.4 million gallons of their own. South Milwaukee, the only area community that isn't part of MMSD, also dumped 1.7 million gallons.

But the DNR is referring just about every place that has sewer systems linked to MMSD to the state Department of Justice for possible civil litigation.

4.6 billion

Gallons of raw sewage dumped by Milwaukee Metropolitan Sewerage District in May

3.4 million

Gallons of raw sewage dumped by local communities in May

\$10,000

Maximum fines per day per dumping point

\$1 million

Maximum total fine

By drawing all of the area's communities into the legal process, the DNR is trying to push them all to work together to solve a shared problem, DNR and MMSD officials said.

"This is a wake-up call," Scott Hassett, secretary of natural resources, said in a written statement. "Communities surrounding Milwaukee all contribute water to MMSD, making the sewer overflows into Lake Michigan and area waterways a systemwide problem. We need to get on with a long-term fix. The only way to do that is to get all the parties at the same table for a systemwide solution. The message today is we need to make that happen."

MMSD Executive Director Kevin Shafer responded, "I think the DNR's got it right.

They've identified this as a regional problem that needs a regional solution."

But details of that regional solution remain elusive.

The most expensive option for keeping storm water out of the sewage system would be to separate the region's storm water and wastewater sewers. Shafer said other options would include cracking down on illegal hookups and upgrading manhole covers.

Mary Schlaefer, Hassett's executive assistant, said it would be up to Attorney General Peg Lautenschlager and her staff to decide how to proceed.

It's entirely possible the action could result in a negotiated settlement instead of a court action that results in fines, Schlaefer said.

Shafer said MMSD would prefer to avoid paying fines if possible.

The precise lineup of com-

munities being referred to the Justice Department was not clear Monday.

MMSD serves 28 municipalities: Milwaukee, Bay-side, Brookfield, Brown Deer, Butler, Caledonia, Cudahy, Elm Grove, Fox Point, Franklin, Germantown, Glendale, Greendale, Greenfield, Hales Corners, Menomonee Falls, Mequon, Muskego, New Berlin, Oak Creek, River Hills, St. Francis, Shorewood, Thiensville, Wauwatosa, West Allis, West Milwaukee and Whitefish Bay.

Shafer said he believed Milwaukee County also was part of the action, bringing the number to 29. The DNR's Schlaefer said, however, that Wauwatosa was not involved at this time, because of a legal technicality. It was not clear whether South Milwaukee was also part of the referral.

8-4-04 DNR LAW SUIT – “The state Department of Natural Resources called Monday for the attorney general to take legal action against the Milwaukee Metropolitan Sewerage District and 29 southeastern Wisconsin communities for dumping billions of gallons of raw sewage into Lake Michigan in May. That started a process that could end in up to \$1 million in fines, or in a regional accord on wastewater - or maybe a combination of both. Amid heavy rainstorms in May, MMSD dumped 4.6 billion gallons of sewage into the lake, while Milwaukee and 11 other MMSD member communities tossed in another 3.4 million gallons of their own. South Milwaukee, the only area community that isn't part of MMSD, also dumped 1.7 million gallons. But the DNR is referring just about every place that has sewer systems linked to MMSD to the state Department of Justice for possible civil litigation.” SOURCE - <http://www.jsonline.com/news/metro/aug04/248296.asp>.

Milwaukee Journal Sentinel August 5, 2004

DNR proposes rules that would let landfills get larger

By **LEE BERGQUIST**
lbergquist@journal sentinel.com

A state agency is proposing new rules that would allow Wisconsin landfills to get bigger, and in some cases, the changes could double the volume of garbage heading to a single site.

With some operators running out of space, the proposed rules would give landfills more flexibility to meet future demand.

The proposal is opposed by environmentalists who think the state should be trying to reduce the volume of waste heading to landfills — not encouraging it.

One of the key changes pro-

posed by the Department of Natural Resources would increase the maximum length of pipes that remove polluted landfill water called leachate.

The change would permit landfills in some cases to get bigger and taller. The DNR estimates that some landfills could grow by 100 feet.

The proposed regulations are the result of 18 months of meetings among the DNR, landfill operators and others, including environmental groups. The changes would have to go to the Natural Resources Board for approval and the Legislature for review.

The new rules were prompted by a landfill operator, Onyx Waste Services Inc., after the DNR placed a limit on the maximum length of leachate pipes in 1996. At the time, the agency was concerned that lines might not be cleanable decades after landfills close, said John Melby, policy section chief with the DNR's Bureau of Waste Management.

More is known about landfill engineering today, and Melby said the DNR feels comfortable lengthening the lines from 1,200 to 2,000 feet.

There are six municipal

landfills in southeastern Wisconsin, and according to the DNR, the landfills have four to 12 years of available space. The two that are closest to the end of their service are Mallard Ridge in Delavan and Metro Landfill in Franklin.

Mallard Ridge, operated by Republic Services, has estimated capacity of 1.2 million cubic yards, or about four years.

Metro Landfill, 10712 S. 124th St., has an estimated capacity of 3.6 million cubic yards, or also about four years. Waste Management Inc., which operates Metro, is proposing to expand the landfill.

Lynn Morgan, a spokeswoman

for Waste Management, said her company agrees with most of the changes the DNR is pursuing.

The current rules "created a design dilemma that didn't seem to justify the benefit," she said.

But Toral Jha, project coordinator for Madison-based GrassRoots Recycling Network, said, "This is not the direction we want to see the state moving." The onus should be placed on producers — makers of paper, beverage containers and computers, for example — to take back what they produce and recycle it into new products, she said.

Charlene Lemoine, waste is-

sues representative for Waukesha County Environmental Action League, said the new rules will encourage more garbage heading to landfills.

But Morgan said, "That doesn't track. A slightly larger landfill doesn't mean more garbage. It means fewer landfills."

Another change proposed by the DNR would allow operators to add liquid to their waste, speed its decomposition and in the eyes of the DNR, reduce the long-term threat of landfills.

Now, landfills entomb waste in a dry state, meaning the waste can remain there indefinitely, the DNR said.

Milwaukee Journal Sentinel August 11, 2004

Task force rips into MMSD over dumping

By STEVE SCHULTZE
sschultze@journal-sentinel.com

The Milwaukee Metropolitan Sewerage District came under fire Tuesday for failing to take action to halt what district officials have long cited as a major culprit in sewage dumping — leaks and illegal connections by homeowners and businesses.

The district has long had sweeping power to order costly sewer lateral repairs, as well as less-expensive — but politically unpopular — downspout and basement sump pump disconnections, members of Mayor Tom Barrett's task force on MMSD were told.

Reduction in illegal hookups, leaks sought

But MMSD has opted instead to spend money on a voluntary pilot program and various planning efforts to attempt to quantify the so-called "infiltration and inflow" problem, which refers to extra storm water that has boosted sewage flows beyond the regional system's capacity, Michael McCabe, MMSD's top staff lawyer, told members at a task force meeting.

An obviously annoyed Tony Earl, the former governor and a task force member, said MMSD was "missing in action" on the issue.

"As far as I can tell, the district has done very, very little other than to tell the DNR we'll have something in place by 2007," Earl said, referring to a plan for reduction of lateral leaks and illegal sewer connections to be filed with the state Department of Natural Resources.

Task Force Chairman Don Theiler said he was surprised to learn that MMSD has had the authority to order fixes in local sewers but never even put in place the administrative rules to exercise the power.

"As far as I can tell, the district has done very, very little other than to tell the DNR we'll have something in place by 2007."



Tony Earl (above), task force member

into the system," said Theiler, who runs Seattle's sewer utility.

He was referring to "infiltration and inflow" — technical jargon for storm water that gets into sewers that shouldn't — through leaky pipes and illegal connections.

Such flow has grown by some 30% since the deep tunnel system was completed a decade ago, according to MMSD. The extra volume has had a significant impact on dumping, and it accounted for a major chunk of the 13 billion gallons of sewage that was treated or dumped during

May's big rains, task force members were told.

The district has preferred indirect methods to get at the problem, such as working through Milwaukee and 28 suburbs rather than pulling the trigger on more drastic measures, McCabe said. State law grants MMSD authority for individual and local community sewer fixes and permits the district to seek fines of up to \$10,000 a day for non-compliance, he said.

"Currently our strategy is to work through the commu-

"Any way you cut it, it sounds like somebody wasn't paying attention to the amount of 'I and I' coming

...cont. next page

Milwaukee Journal Sentinel August 11, 2004

...cont. from prev. page

nities," McCabe said.

McCabe argued that MMSD had made curbing leaks and illegal connections a priority but acknowledged it may have backed off a bit after the U.S. Supreme Court reversed a federal court ruling in 1981 that would have required the district to eliminate all dumping. A lesser standard was approved in a separate court action four years earlier.

Earl said McCabe's explanations were "shuck and jive" aimed at obscuring MMSD's passivity and reminiscent of the district's combativeness at state efforts in

the 1970s and '80s to end sewage dumping.

The panel has not yet devised recommendations for curbing sewage dumping, but members said Tuesday that reducing leaks and rogue sewer hookups would likely be a major one. Recommendations are due by Labor Day.

Earl, also a former DNR secretary, criticized MMSD for expanding the sewer system capacity while neglecting a root cause of the problem. The district has some \$900 million of sewer improvements in the works, including a deep tunnel expansion on

the northwest side.

MMSD Commission Chairman Dennis Grzezinski said he expected a strong push to curb leaks and illegal connections but said he hoped a cooperative effort with the 28 MMSD communities would be developed.

That might be a resolution to the enforcement action the DNR is seeking over MMSD's massive May dumping of 4.6 billion gallons of untreated sewage, he said. DNR officials last week formally requested that the state Justice Department sue MMSD and its member communities over

the dumping.

A key issue now under study by MMSD is whether public funds could be used to fix private sewer lines, Grzezinski said. He said it was unclear whether Wisconsin's constitutional ban on using public money for private improvements would prohibit using taxes for leaky sewer lateral repairs.

Other relatively inexpensive efforts that don't pose such thorny problems might be best undertaken first, he said, such as redirecting illegal basement and rooftop sewer connections.

Milwaukee Journal Sentinel August 12, 2004

Deal on emergency water rules reached

Proposal aims to balance protection, simpler permitting; board to vote Monday

By **LEE BERGQUIST**
lbergquist@journalsentinel.com

La Crosse — After more than a month of intense negotiations and clashes among different interest groups, the Natural Resources Board is poised to adopt compromise emergency water regulations next week.

The rules govern a variety of activities in and along the state's waterways through the use of the Department of Natural Resources' water permit system.

The emergency rules are an outgrowth of the Jobs Creation Act of 2003 — legislation that was aimed at cutting environmental red tape.

Board members were briefed Wednesday on the compromise that was reached among the DNR, lawmakers, and business and environmental groups.

The parties have been meeting for months, but their effort grew more intense when a legislative committee voted on June 24 to suspend regulations governing the use and construction of docks.

The Joint Committee for the Review of Administrative Rules also threatened to suspend other water

...cont. next page



Washington County Board of Supervisors

Kenneth F. Miller, Chair

Herbert J. Tennes, First Vice-Chair

Daniel W. Stoffel, Second Vice-Chair

August 13, 2004

AUG 16 2004

AUG 16 2004

To: Governor Doyle
Washington County State Representatives
Wisconsin Counties Association
Milwaukee Metropolitan Sewerage District Commission

From: Washington County Board of Supervisors

Re: 2004 Resolution 33 - Milwaukee Metropolitan Sewerage District
Water Quality Initiatives

Enclosed please find a copy of the above resolution adopted by the Washington County Board of Supervisors on August 10, 2004.

KFM:lmd
Enclosure

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WASHINGTON COUNTY, WISCONSIN

Date of enactment: _____
Date of publication: _____

2004 RESOLUTION 33

Milwaukee Metropolitan Sewerage District Water Quality Initiatives

WHEREAS, the Planning, Conservation and Parks Committee has received numerous contacts from residents located in Washington County concerning the recent dumping of raw and partially treated sewage from the Milwaukee Metropolitan Sewerage District into Lake Michigan; and

WHEREAS, this dumping may constitute a health hazard and generate pollution of Lake Michigan and the adjacent rivers and streams; and

WHEREAS, this is a local concern because the Village of Germantown, one of the county's larger communities, is a part of the Milwaukee Metropolitan Sewerage District; and

WHEREAS, all Washington County cities, villages and townships recognize the need for and enforce erosion control and stormwater ordinances regulating nonpoint source pollution and discharge from stormwater events and operate separate municipal sanitary sewerage systems;

NOW, THEREFORE, BE IT RESOLVED by the Washington County Board of Supervisors that the Milwaukee Metropolitan Sewerage District is urged to conduct an audit of their current practices pertaining to the discharge of raw and partially treated sewage to Lake Michigan;

BE IT FURTHER RESOLVED that it is recommended that Milwaukee Metropolitan Sewerage District conduct a study to determine what type of corrective measures and actions can be taken as soon as possible to prevent future dumping of raw and partially treated sewage into Lake Michigan;

BE IT FURTHER RESOLVED that the Washington County Board of Supervisors opposes any assessment of costs and/or fees on the residents of Washington County associated with any construction upgrades to Milwaukee Metropolitan Sewerage District facilities necessary to avoid sewerage dumping or related to any penalties or fines associated with past practices;

BE IT FURTHER RESOLVED that the Wisconsin Legislature consider statutory changes to the appointment process and composition of the commission so that the commission's composition fairly reflects the communities within jurisdiction of district;

1 **BE IT FURTHER RESOLVED** that the County Clerk shall forward a copy of the Reso-
2 lution to the Governor, members of the Wisconsin Legislature representing Washington County
3 and the Milwaukee Metropolitan Sewerage District Commission.
4
5

6
7 VOTE REQUIREMENT FOR PASSAGE: Majority
8

9 APPROVED:

10 Kimberly A. Nass

11 Kimberly A. Nass, County Attorney

12 Dated 8/11/04

13
14 Considered 8/10/04

15 Adopted 8/10/04

16 Ayes 28 Noes 0 Absent 2

17 Voice Vote _____
18

Introduced by members of the PLANNING,
CONSERVATION AND PARKS COMMITTEE
as filed with the County Clerk.

Maurice Strupp

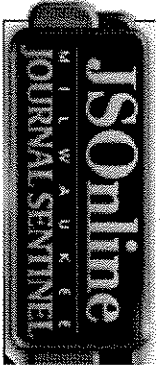
Maurice Strupp, Chairperson

19 (This is an advisory resolution and has no fiscal impact on the county.)

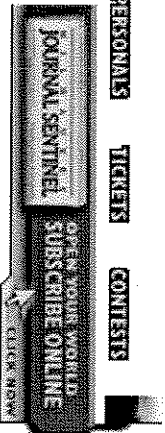
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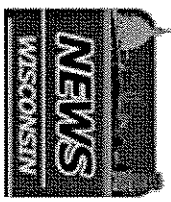


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THIS STORY



Officials fear Sewer Wars II

Suburbs angered at state's efforts to sue them along with MMMSD over dumping

News
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By **MARIE ROHDE**
mrohde@journal sentinel.com

Posted: Aug. 25, 2004

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Madison - The state's efforts to sue all the communities served by Milwaukee's sewerage district over the dumping of sewage could rekindle the decade-long "sewer wars," suburban officials told lawmakers Wednesday.

Letter to Editor
Weather
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New Berlin Mayor Ted Wysocki said his community has spent or committed about \$13.5 million to solve its part of the Milwaukee area's sewer problems. He added that he and a number of other suburban officials have been trying to work with the Milwaukee Metropolitan Sewerage District and the state Department of Natural Resources on solutions.

ELECTIONS
2 0 0 4
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Earlier this month, the DNR asked the state Department of Justice to prosecute the MMMSD and the 28 communities it serves after a rainy May resulted in the dumping of some 4.6 million gallons of sewage into Lake Michigan.

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That decision may have ended the cooperation between the suburbs and

MMMSD Battles

Quotable

“It was like being poked in the eye with a sharp stick. It will be very difficult... to figure out how we can work together.”

- Ted Wysocki,
New Berlin Mayor



Past Features



the MMSD and DNR, Wysocki told the Senate Environment and Natural Resources Committee and the Assembly Natural Resources Committee.

"It was like being poked in the eye with a sharp stick," Wysocki said. "It will be very difficult in my community to figure out how we can work together."

Wysocki, whose voice seemed to tremble with anger as he testified, said New Berlin got serious about keeping rain out of its sanitary sewers in 1990. The community spent millions of dollars repairing its sewers and even had been recognized for its efforts by the sewerage district.

Wysocki noted that New Berlin had not dumped any sewage during the May storms.

DNR Secretary Scott Hassett told lawmakers he asked the Justice Department to take the civil action against all 28 of the communities served by MMSD as well as the district because they are all part of the problem.

"The tributary communities, as well as MMSD contribute, to the problem - excess flow in the system - and, more importantly, they are critical to finding a solution," said Hassett, who left the committee meeting before Wysocki made his comments.

Wysocki complained that the DNR served him with notice that the city would be sued, but offered no specifics on how New Berlin contributed to the problem. He said he had discussions with other suburban leaders who also felt burned by the DNR's actions.

After he testified, Wysocki said he expected that the suburban communities would soon meet to decide on a response to the state's efforts to take legal action against them.

Lazich: Sewer Wars II?

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- 12/21/03: MMSD hires an investigator

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- 11/1/01: Racine County's sewer battle nears end

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Table of

Contents

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Sen. Mary Lazich (R-New Berlin) said the motive for the action is clear: The DNR wants the suburbs to bring "their checkbook to the table."

No one wants to reignite the sewer wars - the costly, decade-long battle between Milwaukee and some of the suburbs over how to pay for sewer improvements - but the gauntlet has been thrown down, Lazich said.

"This shotgun approach is not rational and it is not fair," Lazich said. "It lays the groundwork for Sewer Wars II."

At Wednesday's legislative hearing, Kevin Shafer, MMSD's executive director, gave a lengthy presentation on the recent dumping incidents and outlined how the district will spend \$900 million by 2020 to correct the problem. He said it is crucial to take a regional approach.

A number of those who testified before the committee suggested that MMSD's governance be examined. The mayor of Milwaukee appoints seven members of the commission that oversees the district, and four others are appointed by Milwaukee County suburban leaders. The 10 communities that the district serves are outside the county and have no voice in the district's governance.

The suburbs outside Milwaukee County could join the MMSD any time they want to but "their bills would go up" because they would share equally in the cost of all improvements to the system, not just those that affect their communities, Shafer said.

Sen. Neal Kedzie (R-Elkhorn), chairman of the natural resources committee, said the hearing was the beginning of a process to come up with long-term solutions to the Milwaukee sewage problems that he and other legislators had hoped would have been solved two years ago after they called for a Legislative Audit Bureau report on MMSD.

"We had hoped the audit would have provided some resolutions, but obviously it has not," Kedzie said.

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Letter to Defendants

September 16, 2004

Re: State of Wisconsin v. Milwaukee Metropolitan Sewerage District, et al.,
(2004 Sewer Overflows Litigation)

As you know, the Wisconsin Department of Natural Resources has asked this office to file a civil lawsuit against the Milwaukee Metropolitan Sewerage District and 29 other municipalities and a corporation which discharge into MMSD's sewage collection system. DNR advises me that these entities violated Wisconsin's water pollution prevention laws in relation to the large-scale sewage overflows which occurred during a period of wet weather this spring. As you may not know, the Wisconsin Attorney General also has independent authority to bring a case to stop activity the law refers to as a "public nuisance," a concept which includes interference with public rights in State waters. I plan to file a lawsuit for both purposes later this year, after the referred communities have had the statutory 120-day period in which to resolve or disallow the "notices of claims" DNR served on them in relation to this matter. For your information, however, I enclose a copy of a draft of the complaint this office will likely file. The primary objective of the lawsuit would be to end sanitary sewer overflows (SSOs) and to reduce combined sewer overflows (CSOs) in Milwaukee, with the imposition of penalties as a secondary priority.

I believe that the best way to end the SSOs and to reduce the CSOs is for all of the parties to work together towards common solutions. To that end, I invite you to contact my office if you wish to discuss opportunities for settling the matter before the case is filed. Of course, even if the parties reach a comprehensive agreement, the case would have to be filed and the settlement agreement approved by the courts. At any rate, I hope you will give the idea of early settlement discussions very serious consideration.

Thank you very much.

Very truly yours,

Peggy A. Lautenschlager
Attorney General

Enclosure

September 16, 2004
Page 2



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Improving Water Quality

Immediate release

September 17, 2004

For more information contact Bill Graffin, (414) 225-2077

**Statement from MMSD Executive Director Kevin Shafer Regarding
Attorney General Peg Lautenschlager's News Conference**

September 17, 2004

MMSD agrees with Attorney General Lautenschlager that the best way to end Separate Sewer Overflows and Combined Sewer Overflows is for all of our communities to work together.

There is no single solution - no silver bullet - that will end pollution from overflows and stormwater. Instead, our region relies on a variety of pollution reduction strategies to protect the health of our rivers and Lake Michigan.

In 2002, the state obtained a legally binding court order that required MMSD to complete a \$900 million Overflow Reduction Plan by 2010. That plan, which was approved by the EPA, adds 28% more storage capacity to the 405 million gallon deep tunnel system.

MMSD is expanding treatment capacity at both of our plants. We're working closely with our 28 communities to reduce the amount of rainwater that leaks into the sewers.

We're stepping up efforts to ask citizens to take some simple steps to help protect our precious waterways, such as:

- Disconnecting downspouts from combined sewers.
- Disconnecting illegal connections to the sewer system.
- Planting trees and rain gardens to reduce stormwater runoff from homes and businesses.
- Conserving water when heavy rain is in the forecast to help reduce the risk of overflows.

Right now, our highest priority is completing the Overflow Reduction Plan. We met with the DNR this week for our quarterly meeting to track our progress on the Overflow Reduction Plan. I am pleased to report that the project is on schedule, and under budget.



Preserving The Environment •
Improving Water Quality

Page 2

Regarding the two anonymous letters that allege that sampling reports are being falsified by United Water Services. MMSD immediately investigated this serious allegation and has found no information to indicate that sample reports have been falsified by United Water.

Although I am confident that this allegation is untrue, I am sending an email today to all MMSD staff encouraging anyone who has reliable information on records being falsified to come forward.

Falsifying sampling records is a criminal offense. Anyone with credible knowledge about such activities who remains silent would be just as guilty. I have an open door policy with my employees and regularly host informal discussion sessions with them to keep the lines of communication open. I strongly believe that if this sort of activity were happening, I would know about it.

MMSD is hosting a Regional Summit with our 28 communities to discuss our region's continuing efforts to improve the performance of our sewer system. That meeting will take place next week on the 23rd. Shortly after that meeting, we will join our 28 communities in providing Attorney General Lautenschlager with detailed information on our region's initiatives to improve water quality.

Alberta Darling

Wisconsin State Senator

Co-Chair, Joint Committee on Finance

STATEMENT ON ATTORNEY GENERAL ACTION ON MMSD

September 17, 2004

Today's decision by Attorney General Lautenschlager to force settlements by the communities linked to the Milwaukee Metropolitan Sewerage District (MMSD) under threat of lawsuit is the latest outrageous and misguided attempt to address sewage overflows.

When the Department of Natural Resources (DNR) asked Lautenschlager to bring legal action against the communities linked to MMSD, I protested that using such threats as a means to initiate discussion was a heavy handed misuse of power.

Nevertheless, now that there are ongoing discussions between the DNR and the local communities, it strikes me as absurd that the AG would force immediate resolution to a problem that's been years in the making. Moreover, these communities have been forced to the table when there is little understanding of the degree to which any of these entities are responsible for MMSD's problems.

I continue to call for a comprehensive and impartial scientific study that will identify all of the causes of overflows, determine which party is accountable for these actions, and provide a comprehensive list of possible solutions, with a cost-benefit analysis of each option.

If the goal of the AG is to do nothing more than blindly assign blame and force taxpayers into submission, she might accomplish that. She's also reversed any progress that's been made toward protecting taxpayers, healing the growing rift between the state and locals, and laying the framework for a long-term scientific resolution to MMSD's problems.

Meanwhile, the DNR might not be pleased with the action today by the Attorney General, but they ought to remember this – they asked for it.

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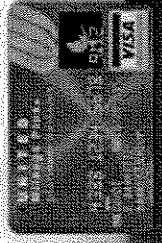
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MMSD records under scrutiny

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Special Features

Anonymous writer says water test results were false; officials investigate

By STEVE SCHULTZE and MARIE ROHDE
sschultze@journal sentinel.com

Posted: Sept. 16, 2004

Sampling reports from the Milwaukee sewerage district were cooked "to disguise the true level of human waste entering Lake Michigan," according to an anonymous complaint that's prompted a review by state regulators as well as a series of internal investigations.

Advertisement

The general allegation of record falsification by the district's private contractor was contained in an unsigned letter dated Aug. 30 that was sent to top state and local officials.

That letter, and a second anonymous letter dated two days earlier, also alleged a series of maintenance and procedural corner-cutting.

Sewer Controversy

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The letters specifically point the finger at United Water Services, the giant conglomerate that operates local treatment plants and the deep tunnel system under a 10-year contract with the Milwaukee Metropolitan Sewerage District that runs four more years.

The district had "absolutely no knowledge of falsification of any document," MMSD Executive Director Kevin Shafer said in a letter, responding to the allegations.

In an interview, Shafer said the allegations were very serious, and that falsifying a treatment plant sampling record could be criminal.

However, Shafer added: "We have taken a look at (the accusations) and we are confident they are false."

John Cheslik, the top United Water official in Milwaukee, said his firm also had done a preliminary review and found no evidence of falsification of sampling records. Another internal probe by United Water officials from outside Milwaukee is under way, Cheslik said.

"They are vague accusations," he said, adding that they "seem to lack credibility."

While neither letter states who the authors are, the letter making the record falsification allegation is signed "outraged insiders," suggesting employees of MMSD or United Water wrote it.

In his letter, Shafer said that disgruntled employees might be responsible.

Richard Abelson, executive director of District Council 48 of the American Federation of State,



Photo/File

The Jones Island Wastewater Treatment Plant on Milwaukee's lakefront is one of two facilities the Milwaukee Metropolitan Sewerage District has for treating sewage.

Archived Coverage

Stories: List of stories related to MMSD and sewer controversy

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County and Municipal Employees, a union that represents some of the workers at the treatment plants, said he also had received the letters containing the allegations but had discarded them because they were anonymous.

"Many of the allegations we have heard from members who work down there," Abelson said. He declined to elaborate.

Cheslik said the complaint letters were made as union contract negotiations were under way with sewer plant workers, but he said he wasn't saying the accusations were made as a bargaining tactic.

"You draw your own conclusions," he said.

Tampering is possible

Both Shafer and Cheslik said strict procedures were in place for taking effluent samples at the district's treatment plants. But they also both acknowledged that the system wasn't foolproof and depended on the honesty of sewage plant operators. "Absolutely, it is possible" to tamper with samples, Cheslik said.

Scott Hassett, secretary of the state Department of Natural Resources, said Thursday he wasn't aware of the allegations until contacted by a reporter and that MMSD had not forwarded them to him.

Shafer said he sent his formal reply to the allegations from both letters to Gov. Jim Doyle, Atty. Gen. Peg Lautenschlager and Milwaukee Mayor Tom Barrett but not to the DNR. By state law, the DNR regulates MMSD and is the agency that requires MMSD to file monthly reports listing effluent pollutant levels for fecal coliform, dissolved oxygen levels, suspended solids, phosphorous and others.

Mary Schlaefter, Hassett's top deputy, said the agency would review the allegations.

Melanie Fonder, a spokeswoman for Doyle, said "appropriate action would be taken" if the charges were substantiated. Having MMSD and the DNR review them is the right first step, she said.

Lautenschlager couldn't be reached Thursday. She has scheduled a news conference today in

Milwaukee regarding MMSD. The DNR last month asked the state Justice Department to consider suing MMSD and the 28 communities it serves over the record dumping of raw sewage in May.

MMSD has said it was forced to dump because heavy rainfall and leaky sewers throughout the metro area greatly boosted sewage flows.

Hassett said a provision in state law prevents a lawsuit from being filed until December. Meanwhile, he said he hoped MMSD and communities it serves work on ways to resolve the dumping issue.

'Chain of custody'

Several safeguards help ensure the integrity of the sampling process, according to MMSD and United Water officials. For example, "chain of custody" records are kept on daily samples, which are taken by United Water employees and delivered to MMSD's lab for testing.

Daily samples of effluent for fecal coliform testing are taken by hand between 3 and 4 a.m. daily, while composite samples for other pollutants are collected bit-by-bit by machine over 24-hour periods.

MMSD also does its own separate sampling during two 30-day periods a year, Shafer said. Those results have never shown any great variances with the pollution numbers from the samples taken by United Water, he said.

The DNR also has the authority to take its own samples from MMSD plants to verify the accuracy of the figures provided by MMSD. But the state agency has never done that, Shafer said.

Under terms of its state operating permit, MMSD must submit figures monthly to the DNR. Based on those reports, the district hasn't been cited for violating state pollutant limits since the deep tunnel system was completed in 1994.

The anonymous letters contained other complaints, most of which have previously been aired, including a claim that a net-like device attached to the Jones Island treatment plant to catch condoms doesn't work properly. Shafer said the district still was working with a private contractor on that.

One letter writer also said the deep tunnel was not being emptied completely when rain was forecast. Shafer denied that, and district records show the tunnel is routinely drained to a few million gallons, though the process has sometimes been slowed because of maintenance projects.

Another charge: Operation and maintenance at treatment plants has suffered because of reduced staffing levels. Shafer, in his written reply, acknowledged "there may be some correlation between maintenance staff reductions, which have occurred since United Water took over plant operation and maintenance."

In the interview, Shafer and MMSD manager John Jankowski said United Water had recently made good progress on a backlog of minor maintenance projects. They said critical maintenance had not been shortchanged.

Prosecution for falsifying sewage plant records is rare. However, the former operator of the plant that serves Appleton paid \$8,000 in fines and court costs in January to settle civil charges brought by the Justice Department. In 1995, similar accusations were made against the former Hortonville public works director.

In 2000, the supervisor of a Canadian treatment plant in Banff, Alberta, was convicted of a criminal charge of dumping untreated wastes and creating false records to cover his tracks. He spent a day in jail and was ordered to perform 100 hours of community service. Although United Water Service operates the Banff plant, the corporation was not found to be responsible.

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